



For Earth Day, the Swinomish tribe gathered together to pick up trash within their community. Photo credit: Flickr/NWIFC

Natural Resources

Given the state of the economy and national priorities, the vitality and sustainability of natural resources is even more integral to the health of American Indian and Alaska Native peoples, communities, cultures, and economies. It also has demonstrable positive impacts on surrounding communities. The ecological practices tribal peoples have cultivated for millennia are inherently sustainable and practical. They have been tested over time and have contributed to cultural survival. Today, tribes are using their unique knowledge and skills in concert with modern management practices, often collectively with community and non-tribal organizations, to produce real accomplishments and model programs of excellence. Tribes and their communities can cite many examples where they have shaped the successful restoration and sustainable management of fragile natural resources through a commitment to stewardship that often requires arduous, though rewarding, collaboration with states, regional organizations, local governments and other stakeholders in larger ecosystem management efforts. Federal support for tribal natural resource efforts, however, has not matched the tribal efforts, nor captured the value of tribal ecological knowledge and natural resources for tribal peoples and for the nation.

Federal investment in tribal natural resources management helps to sustain tribal land and people, grow economies, and support continued prosperity.

Federal investment in tribal natural resources management helps to sustain tribal land and people, grow economies, and support continued prosperity. As communities become more secure in their environments, their food and water systems, and their abilities to manage their resources, tribes and tribal members are free to turn to other needs: creating jobs; building supportive infrastructure; forming healthy tribal and neighboring communities and relations; developing innovative approaches to other concerns that affect the broader community; and diminishing strain on land management and law enforcement services, among other things.

Accordingly, investment by the federal government in tribal natural resource management will foster tribal economic self-sufficiency, cultural revitalization, and collaborative working relationships across jurisdictions – supporting communities and economies throughout the United States.

However, for tribes to fully utilize their natural resources and to establish and maintain natural resource management programs, there must be an increase in funding for Bureau of Indian Affairs (BIA) natural resource programs. Tribal funding has declined over decades, at a steeper rate than that of other Department of the Interior (DOI) natural resource programs, while tribes continue to be excluded from eligibility for dozens of natural resource programs across the federal agencies that are otherwise available to states, local governments, and other entities. BIA programs are often the only source of funding to protect tribal lands. Yet, the funding inequities are profound: per acre funding for Forest Service lands is three times the per acre funding for tribal forest lands; per acre funding for the DOI invasive species program is five times the per acre funding for the BIA's Invasive Species Program; and the BIA's percentage allocation of funding across the six DOI agencies under the Cooperative Landscape Conservation Initiative is a meager 0.12 percent.

Many of the BIA Trust natural resources programs discussed in this section experienced substantial cuts over the past decade. Further reductions in FY 2013-2014 under the Budget Control Act of 2011 and sequestration have eliminated jobs; stymied economic activity at a critical time for tribes; curtailed combined tribal, federal, state, and community collaboration; and ignored the valuable perspective in natural resources management that tribes contribute. The most effective role for the federal government is as a resource-provider and facilitator of independent decision-making and true self-governance for tribal nations. When tribes are free to make decisions that affect their local communities and local resources, they have the opportunity to align policy and planning with established tribal priorities.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Rights Protection Implementation

- *Increase funding to \$49.5 million for the BIA Rights Protection Implementation.*

The BIA Rights Protection Implementation Program has a clear and direct relationship with the federal trust obligation to tribes. This program ensures compliance with federal court orders by implementing effective tribal self-regulatory and co-management systems. Contract agreements are designed to assure proper regulation and management of off-reservation fish, wildlife, shellfish, and plant gathering activities; provide conservation enforcement; and perform the necessary assessment and habitat protection activities that help ensure abundant and healthy populations of ceded territory resources. The benefits of these programs accrue not only to tribes, but to the larger communities as well, because protection and enhancement of ceded territory natural resources and their habitats benefit all users of those resources. The efforts of program participants have been lauded in regional and national forums and serve as proven innovative models in an era where multi-jurisdictional cooperation and synergistic programming are essential aspects of a sustainable economic approach to national development.

In particular, there are 49 tribes whose off-reservation hunting, fishing, and gathering rights in the Pacific Northwest and Great Lakes regions are supported by this program. Five umbrella intertribal organizations assist the tribes in implementing relevant court orders and carrying out co-management responsibilities. In addition, this program supports implementation of the United States/Canada Pacific Salmon Treaty. Increasing funding for BIA Rights Protection Implementation from \$28.976 million in FY 2012 to \$49.5 million in FY 2015 would be a wise investment and is consistent with the federal trust responsibility to tribes. This funding is also essential for the protection of tribal economic, subsistence, cultural, and medicinal practices, as well as the sustenance of healthy productive tribal nations and their surrounding states, local governments, and neighboring communities.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Cooperative Landscape Conservation Initiative

- *Increase funding to \$10 million for the Cooperative Landscape Conservation (CLC) Initiative.*

Tribal peoples, lands, and infrastructure are disproportionately impacted by the effects of climate change and tribal governments, due to infrastructure inadequacies and remoteness; and tribal governments do not have sufficient personnel to implement programs for climate adaptation. Despite having some of the most pristine habitat in the United States, tribes have been historically underfunded for wildlife and natural resources management and conservation. There are 566 federally recognized tribal nations and over 300 reservations in the United States. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service (NPS). Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

The inequity in the funding supporting tribes through the Cooperative Landscape Conservation Initiative is clear from the FY 2009 to FY 2012 budgets in which DOI received an average of approximately \$150 million to fund the CLC Initiative, but BIA received only \$200,000—and several times received no dedicated funding. In FY 2013, the inequity was partially recognized when BIA received \$1 million, however that level of funding was still only less than one percent of the total Initiative funding for DOI. In FY 2014, the Administration requested \$10 million of the Initiative’s budget for the BIA, and tribes support that level of support for FY 2015 to begin to remedy this inequity and enable the BIA to address tribal natural resource management in an effective manner and to build tribal capacity to plan and implement programs in the face of climate change. According to a February 2012 report by the Congressional Research Service entitled, *Federal Land Ownership: Overview and Data*, the total number of acres owned and managed by DOI for the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service collectively totals 417 million acres. DOI holds 56.2 million acres of land in trust for Indian tribes and individual Indians. DOI’s Indian trust landholdings, therefore, represent more than 13 percent of these three agencies’ total. Despite the proportionately large amount of Indian land the DOI oversees, tribes, via the BIA, have consistently received less than one percent of Initiative funding.⁶⁰

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Management, Planning and Pre-Development Program

- Restore funding to the FY 2003 level of \$8.298 million for the BIA Water Management, Planning, and Pre-Development Program.

Funding from the BIA Water Management, Planning, and Pre-Development Program is used to assist tribes in protecting and managing their water resources, in accordance with the federal trust obligation to tribes. However, from FY 2003 to FY 2012, funding for this program declined 30 percent from \$8.298 million to \$5.789 million. To meet the significant tribal need and honor treaty rights, funding should be restored to the FY 2003 level of \$8.298 million.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Rights Negotiation/Litigation Program

- Restore funding to the FY 2003 level of \$10.923 million for the BIA Water Rights Negotiation/Litigation Program.

Funds from the Water Rights Negotiation/Litigation program are used to define and protect Indian water rights and, if possible, to settle claims or, if not, alternatively to litigate claims. The primary priority of the program is to provide all necessary documentation and other material that may be required to further the United States' water claims on behalf of a tribe. The inability to access quality water and exercise tribal water rights continue to create significant health, cultural, economic development, farming and ranching, and governance challenges for tribes and other communities, especially in light of major environmental events of the past few years. The Western Governors' Association (WGA) recently emphasized the need to resolve water rights disputes to prepare for oncoming changes in water quality and quantity predicted and now occurring as a result of climate change.⁶¹ It is likely that the resources from this program will be needed to settle and litigate water rights disputes foreshadowed by the WGA. However from FY 2003 to FY 2012 funding for this program declined 21 percent, from \$10.923 million to \$8.648 million. Tribes request that FY 2003 funding levels of \$10.923 million be restored so that water rights can be protected and disputes resolved.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Endangered Species Program

- Restore funding to \$3 million for the BIA Endangered Species Program.

The BIA's Endangered Species Program is the only program that provides tribes with technical and financial assistance to protect endangered species on Indian trust lands. From FY 2002 to FY 2012, funding for this critical program declined 58 percent to \$1.245 million. Tribes request that FY 2002 funding levels of \$3 million be restored so that tribes can continue to support habitat and environmental requirements to ensure endangered species can be protected into the future, especially in light of increasing threats caused by climate change and human development since 2002.

BIA FISH AND WILDLIFE PROGRAMS

Three key programs that empower tribes to manage reservation fish and wildlife resources across the nation are Tribal Management and Development (TMD), Wildlife and Parks, and Natural Resources programs. These programs help meet the growing national demand for outdoor recreation and tourism, as well as support the protection of millions of acres of habitat necessary for the conservation of fish, wildlife, and plant resources. These programs also employ more than 500 local tribal staff to assist the United States in meeting its trust responsibility to tribes.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Tribal Management/ Development (TMD) Program

- *Increase appropriations to \$20 million for base and programmatic funding for the BIA Tribal Management and Development Programs.*

From FY 2002 to FY 2012, funding for the Tribal Management and Development Program (TMD) declined 17 percent from \$9.333 million to \$7.705 million. For FY 2010, Congress restored funding for several decades-old, recurring TMD programs including the Lake Roosevelt Management, Upper Columbia United Tribes, Wetlands/Waterfowl Management, and Intertribal Bison Cooperative programs; and the BIA restored them to the budget request structure in FY 2011. The BIA recognizes the critical need for tribes to manage fish and game programs on their lands and included a budget request increase to \$9.723 million for the Tribal/Development Program in the FY 2013 and FY 2014 budget process. This funding needs to continue in FY 2015. These investments will substantially strengthen tribal conservation successes and meet the federal government's trust responsibility. Of the \$20 million requested, \$5 million should be set aside for Conservation Law Enforcement Officers.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Trust - Natural Resources Management

BIA Fish, Wildlife and Parks

- *Fund Fish Hatchery Operations at \$3 million.*
- *Fund Fish Hatchery Maintenance at \$7 million.*
- *Increase the Wildlife and Parks Tribal Priority Allocation to \$10 million.*

The 83 tribal fish hatcheries across Indian Country provide essential jobs, food, and revenue for tribes, as well as cultural support and opportunities for tribal youth to pursue environmental careers. Tribal standards in fisheries management are high because the tribes are highly dependent upon these operations and because many tribal peoples recognize their responsibility to steward and sustain their natural resources. These programs create jobs, advance economic self-sufficiency, and reduce costs by promoting cooperation and local economic growth.

At the request of Congress, the BIA conducted a comprehensive needs assessment study in FY 2006 which identified a \$48 million need in hatchery and rehabilitation costs. In this context, FY 2015 funding levels of \$3 million for Fish Hatchery Operations and \$7 million for Fish Hatchery Maintenance at 88 tribal fish hatcheries across the country are small investments that will lead to significant returns.

Fish Hatchery Operations funding is provided to fish-producing tribes to support hatching, rearing, and stocking programs. Salmon and steelhead trout released from tribal hatcheries in the Pacific Northwest benefit Native and non-Native commercial and sport fisheries in the United States and Canada, while providing for Native subsistence and ceremonial needs. Throughout the rest of the country, recreational opportunities created by the stocking of trout, walleye, and other species attract numerous sport fishermen to reservations and assist in developing reservation economies.

Fish Hatchery Maintenance funding provides for approximately 50 hatchery maintenance projects and supplements facility maintenance for 83 tribal hatcheries on a competitive basis. Typical projects include: relining raceways, replacing water pumps, upgrading alarm systems, fencing, roof and ceiling repair, and rearing tank installation.

Wildlife and Parks Tribal Priority Allocation supports tribal activities in the areas of fisheries, wildlife, outdoor recreation, and public use management, conservation enforcement, and related fields. Activities conducted are determined by tribes, and cover a broad array of diverse fisheries, wildlife, conservation enforcement, public use, habitat management, and related programs. Tribes, through a local priority setting process, determine any changes in annual funding and performance. The base Tribal Priority Allocations (TPA) funding for tribal fish and wildlife protection activities has remained flat for years, at just under \$5 million. Funding for Wildlife and Parks TPA should be increased by \$5 million in FY 2015 to expand the capacity of tribal fish and wildlife management departments to meet the needs of their communities and to work with federal, state, and local partners.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Natural Resources Tribal Priority Allocations

- *Increase funding to \$10 million for the Natural Resources Tribal Priority Allocations.*

The Natural Resources program fulfills the federal trust obligation through improved management, protection, and development of tribal land and natural resource assets. Funding for this Tribal Priority Allocation (TPA) program has remained flat for years, at just under \$5 million. Funding for the Natural Resources program should be increased by \$5 million in FY 2015. This investment will substantially increase tribal land and resource management capabilities and increase economic independence through generating revenues for tribal economies. By enhancing tribal economies through this program, the economic costs of social decline (e. g., increased need for law and order, social services, and health services) are decreased, resulting in cost savings.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Fish and Wildlife Service's Tribal Wildlife Grants Program

- Increase funding to \$8 million for the Fish and Wildlife Service's Tribal Wildlife Grants Program.

Of the \$58.115 million enacted level for State and Tribal Wildlife Grants (TWG) in FY 2013 to help conserve and recover imperiled fish and wildlife, only \$3.923 million was dedicated to competitive grants to the Indian tribes. Since FY 2010, TWG funding has declined nearly 50 percent. Since the inception of the TWG program over 13 years ago, on average, tribes have received only \$6 million per year despite having the need for significantly more funding. TWG will be a key program in the coming decades as tribes address fish and wildlife conservation and climate change influences on natural resources. The Administration's FY 2014 request for TWG in the amount of \$4.268 million is nearly \$2 million less than the historic average. Given past underfunding of this initiative, tribes request an increased appropriation to at least \$8 million.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

Commerce, Justice, Science Appropriations Bill

Pacific Coastal Salmon Recovery Fund (PCSRF)

- Provide \$110 million to the Pacific Coastal Salmon Recovery Fund.

The Pacific Coastal Salmon Recovery Fund (PCSRF) addresses watershed restoration and salmon recovery work for both Endangered Species Act listings and populations, and is critical to meeting trust obligations codified in treaties, laws, and other legal instruments regarding Indian fishing rights. The thousands of PCSRF projects that have been implemented throughout the region have made important contributions to improve the status of Endangered Species Act-listed species, prevent extinctions, and protect currently healthy populations.

This fund originated the groundbreaking multi-governmental collaborative project in salmon habitat restoration that was led by the Nisqually Tribe and recognized by President Obama with the nation's first and only Coastal America Partnership Award in late 2011. The President's FY 2012 budget included \$65 million for PCSRF, and \$80 million was appropriated in FY 2010. Tribes support an increase of \$45 million from the FY 2012 level as a wise investment in a program that creates a ripple effect including economic, ecological, social, cultural, legal, and intergovernmental co-benefits.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Geographic/Ecosystem Programs

- Restore funding to a minimum of \$50 million for the Geographic/Ecosystem Program in Puget Sound.

The geographic-specific/ecosystem program in Puget Sound provides funding to tribes and tribal consortia and local communities to address environmental and human health risks and for tribal capacity building and project implementation. Tribes are seeking to restore funding to this program after steep reductions from \$50 million in 2010 to less than \$20 million in the EPA request for FY 2013.

FORESTRY

Indians are among the largest owners of commercial forestry resources in the United States. Of the total 56 million acres of federal Indian trust land, 16 million acres are forest lands, within which 7.3 million acres are designated for commercial forestry. The BIA estimates that these forests contain 44 billion board feet of commercial timber with an allowable cut of 1.02 billion feet per year. In the 1980s, these forests produced \$100 million annually in stumpage revenue and provided the equivalent of over 12,000 full-time, year-round jobs.

Increasingly, tribes are administering and controlling these resources that the Department of the Interior holds in trust. Commercial forestry on tribal lands is a key economic driver on over 103 reservations and the surrounding communities across 23 states. For example, some of the larger forested tribes operate the only sawmills in their region and are major employers of not only their own people, but of the non-tribal residents who live in or near their communities. Additionally, several timber tribes are engaging in biomass projects to generate renewable energy and jobs for tribal people and the surrounding community.

At present, there is at least a one million acre backlog in forestry management on federal Indian trust land. Tribal and US Forest Service (USFS) forests share 2,100 miles of common boundaries. Combining sound business practices, traditional ecological knowledge, modern techniques, and an inherent respect for the land, many tribes engage in superb sustainable forestry management practices that are recognized as innovative national (and international) models. Indian trust forests are significantly more productive, generating on a per-acre basis about 250 percent of the harvest produced by comparable USFS lands. These tribal achievements and initiatives demonstrate high return on federal dollars, which tribes accomplish in profoundly inequitable circumstances.

Despite the federal trust responsibility to sustain trust land and resources for the benefit of hundreds of thousands of tribal residents and their governments, natural resource-related programs continue to be underfunded—far below the funding levels necessary to fulfill the federal fiduciary responsibility to protect the health and productivity of the trust corpus. Historically, tribal forests on a per acre basis have received about one-third of the funding provided to forests managed by the US Forest Service. Independent studies by nationally-recognized forestry experts in 1993 and 2003 documented BIA Forestry per-acre management funding is less than half of that of the National Forest System.

In an era where federal funding commitments must demonstrate high return and accountability for administering trust programs, tribal forests and their management are strong and essential investments.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Forestry

- Increase funding to \$31.2 million for BIA Forestry Tribal Priority Allocations.
- Increase funding to \$23.3 million for BIA Forestry Projects.

Increasing funding for BIA Forestry Tribal Priority Allocations from \$26.2 million to \$31.2 million will spur needed long-term incremental progress toward BIA Forestry base funding parity. In addition, increasing BIA Forestry Projects funding by \$6 million, to \$23.3 million, to treat an additional 30,000 acres of the BIA's one million acre forest development backlog, will also increase tribal timber jobs, harvest, and value; improve forest health; contribute to carbon sequestration; and produce woody biomass for national renewable energy initiatives.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

- Increase funding to \$6.5 million for the BIA Invasive Species Program.

The Invasive Species Program provides critical funds to tribes to control noxious and invasive species. Invasive species cause approximately \$3 billion in damage on tribal trust land. The impacts of invasive species have a particularly disproportionate impact upon tribes because such species affect plants, animals, and other wildlife that are essential to tribal members for sustenance, medicines, ceremonies, cultures, and economic health.

This BIA program, currently funded at \$3.46 million, is the only funding stream designated to address invasive species on tribal trust land. In contrast, DOI spends at least \$1.3 billion each year to address invasive species on non-Indian lands, which amounts to over 400 times more proportional funding on non-Indian land than on tribal land. The BIA program is a critical element of the Department's Invasive Species Crosscut Initiative, since tribal trust land is often contiguous to other federal lands.

In light of the disproportionate impact invasive species have upon tribes, the significant disparity in funding between non-Native and tribal land under DOI's jurisdiction, and the contiguous nature of many tribal and non-Native DOI land areas, a \$3 million increase to \$6.5 million in BIA's Invasive Species Program for FY 2015 is an equitable and reasonable request. In 2012, the House Appropriations Committee placed a high priority on invasive species prevention, containment and enforcement by supporting level and increased funding for such programs, and BIA justified an increase in funding for this program to \$6.5 million for FY 2014.